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December 16, 2014

The Honorable Joseph C. Spero  
United States Magistrate Judge  
United States District Court  
Northern District of California, Courtroom G  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *Klune, Rutherford & Barth v. Palo Verde Health Care District, et al.*  
Case No.: 14-mc-80326-JCS

Dear Judge Spero:

In compliance with the Court's Order directing lead counsel for defendant Palo Verde Health Care District ("PVHD") and third party Dr. Steve Maron to meet and confer regarding the outstanding document issues and submit a joint letter to the Court thereafter (Dkt. 15), the parties hereby submit the following:

On December 11, 2014, the parties conducted a conference call to discuss the issues made the subject of PVHD's motion to compel (Dkt. 1). In attendance were Maria Roberts and Laura Brandenburg for PVHD, Stacey Zill for Dr. Maron, and Ljubisa Kostic for plaintiffs. During this call, Ms. Roberts and Ms. Brandenburg took the position that PVHD was in possession of e-mails involving Dr. Maron during the relevant time period that were not contained in the documents he had produced. Ms. Roberts and Ms. Brandenburg expressed their belief that said documents should have been located through the electronic searches that Dr. Maron performed as outlined in his opposition papers. (Dkt. 12). As a result, Ms. Roberts and Ms. Brandenburg suggested that the electronic searches may have been somehow defective. As to the claim of peer review privilege, Ms. Roberts and Ms. Brandenburg also advised that federal law does not recognize the peer review privilege.

Ms. Zill agreed that, if provided with sample e-mails and documents that Ms. Roberts and Ms. Brandenburg claim support their position that the electronic searches did not capture all responsive documents, she would investigate why those documents were not captured in the search. If an additional search needed to be conducted in light of the results of her investigation, Ms. Zill indicated that such would be done. Ms. Zill also agreed to produce a privilege log for

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any documents withheld on the basis of privilege, which she has done. Ms. Zill further agreed to confirm that a search would be conducted of any hard copy files in Dr. Maron's possession which may contain any documents responsive to the subpoena.

Since the meet and confer, Ms. Roberts and Ms. Brandenburg provided to Ms. Zill a sample of e-mails that they believe should have been contained in Dr. Maron's production. Ms. Zill has begun her promised investigation. Ms. Zill's contact person for the initial electronic search is on vacation until December 29, 2014. While Ms. Zill is attempting to locate others that may be able to assist, if that effort proves unsuccessful, the earliest that an analysis can be started of the electronic searches is December 29, 2014. Ms. Zill agrees to stay actively involved to move the process forward.

PVHD and Dr. Maron will file another status report regarding the status of their meet and confer efforts on or before January 6, 2015. The parties are hopeful that they may be able to resolve the disputes subject to PVHD's motion to compel, and appreciate the Court's courtesy in this regard.

Very truly yours,

SWEENEY GREENE & ROBERTS

MICHELMAN & ROBINSON, LLP



Laura M. Brandenburg

Stacey L. Zill

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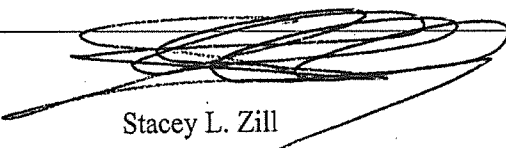
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